



**STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK  
FOR LOCAL AUTHORITIES IN ENGLAND**  
**Dorset Council Commentary On The Public Questions And Options For  
Response**

[Link to the Government Consultation](#)

Local government bodies including principal councils, parish and town councils have been lobbying Government to introduce sanctions within the standards and ethics regime since 2011. The lack of meaningful sanctions for the most serious breaches of the code has been identified as a significant barrier to confidence in local government and standing for election and is a key strand in the Civility and Respect Pledge.

The Government has now launched a consultation on proposals to introduce measures to strengthen the standards and conduct regime for local authorities in England. Proposals include:

- the reintroduction of a single national model code of conduct
- the governance arrangements around managing the standards regime, including voting rights
- new powers to suspend councillors found in serious breach of their code and if appropriate interim suspension
- a new category of disqualification for gross misconduct or multiple suspensions within a 5-year period
- a role for a national body to deal with appeals.

The consultation is open to all local authorities including principal councils, parish and town councils, councillors, officers, residents and local government sector bodies and **closes on February 26th, 2025**. Responses must be made on-line using the following [link](#) and every local council is encouraged to make a corporate response. For that reason, Dorset Council (jointly with DAPTC) has published a commentary to the individual questions and included its draft response. The draft response will be shared with group leaders, the Chair and Vice Chair of Dorset Council Audit and Governance Committee for comment, before being reported to Audit and Governance Committee on 24 February for members to agree the Dorset Council response for submission. The commentary is also intended to provide some background to the proposals and considerations.

If you have any questions, please do not hesitate to contact me.

Jonathan Mair  
Monitoring Officer Dorset Council

## STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND

Q No.	Question	DC Draft Response	Background
4. Who we would like to hear from			
1	Who are you responding to this consultation as	Dorset Council	
5. Strengthening the Standards and Conduct Framework			
5 a) Mandatory minimum prescribed code of conduct			
2	Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?	YES	A single prescribed code of conduct which covers all elected members and co-optees will help with consistency, creating a national framework of Standards and Ethics as well as developing best practice across all tiers of local government. In Dorset there is a single recommended code across all tiers which works well and promotes high standards across all councils. This newer code has not been adopted by all DAPTC members. It is estimated take up is about 70%.
3	If yes, do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?	YES – it is important that there is flexibility on what can be added to the model code.	It is important that there is flexibility to add to what might be in a prescribed code. Having a model code with the ability to add for local variation e.g. threshold for gifts and hospitality, varying responsibilities for Dorset Council or local members etc would be useful. It would be helpful if there was a caveat that local councils adopted the principal authority code (including additions) but were able to adapt for their local need, so that the consistency in local standards across all tiers is maintained.
4	Do you think the government should set out a code of conduct requirement for members to co-operate with investigations into code breaches?	YES	This is already in the recommended Code and should be retained. Not all complaints automatically proceed to investigation; some are referred for other action especially those relating to employment matters/bullying harassment and intimidation. It would be helpful if the requirement was to 'cooperate with investigations or other steps leading to the determination of allegations of breaches of the code.'
5 b) Standards Committees - these questions relate to the role and governance of the Audit and Governance Committee of Dorset Council			
5	Does your local authority currently maintain a Standards Committee	<a href="#">Yes</a>	Dorset council's Audit and Governance Committee is primarily responsible for: <ul style="list-style-type: none"> <li>Independent assurance on the adequacy of the Council's risk management framework including internal control and financial reporting.</li> <li>to promote and help maintain high standards of conduct of members, co-optees, Parish &amp; Town councillors and any other relevant appointed representatives.</li> </ul>

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			<ul style="list-style-type: none"> <li>• recommend training in respect of conduct standards, determining allegations of any breach concerning the Members Code of Conduct and</li> <li>• support the Monitoring Officer in the discharge of his duties.</li> </ul>
6	Should all principal authorities be required to form a Standards Committee	YES – whilst the functions could be delegated to another committee or officer, there should be a body drawn from the principal council, lay members and parish and town councillors responsible for maintaining the code, responding to trends in complaints and behaviours and making recommendations as required.	
7	In most principal authorities, code of conduct complaints are typically submitted in the first instance to the local authority Monitoring Officer to triage, before referring a case for full investigation. Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?	NO  (There is no text box for commentary so by answering yes it allows for the Standards Committee to set its own local procedures.)	<p>In some cases allegations are taken forward for determination without the need for a full investigation (e.g. informal resolution). Under current arrangements triage decisions are delegated to officers but may be referred by exception to a review panel of 3 members of Audit and Governance Committee and an Independent Person (Review Panel) to support the Monitoring Officer to reach a decision. At the conclusion of an investigation into a complaint, some decisions are delegated to the Monitoring Officer in consultation with an Independent Person and the Chair of Audit and Governance Committee (i.e. No breach complaint dismissed, breach but no action breach and referral for informal resolution) and some decisions are for hearing by Audit and Governance Committee (i.e. breach where no action or informal resolution are not appropriate).</p> <p>As now, there should continue to be scope for determinations to be made by an officer under delegated authority, some in consultation with a Review Panel, and some by referral for hearing by the Audit and Governance Committee, or a Standards Committee.</p>

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8	Do you agree that the Independent Person and co-opted members should be given voting rights?	<p>YES (for co-optees only) this is important for ensuring objectivity.</p> <p>Note: this is another closed set of responses, but Dorset Council supports giving voting rights to co-opted members which could include parish and town council representatives to demonstrate further objectivity and impartiality in the decision-making process. Coupled with locally determined rules in relation to procedures and where decision-making sits on allegations, particularly those formally investigated, would be a helpful strengthening of the regime.</p>	<p>There appears to be some confusion in this question.</p> <p><i>The independent person</i> has a practical role as statutory consultee as part of the triage and assessment and investigation process, including supporting the subject member. It is essential that Independent Persons remain impartial and should not be co-opted onto any committee which sets the policy and procedures of the standards regime or determines the outcome of complaints.</p> <p><i>Independent lay members</i> of the Standards Committee should be eligible to vote in setting policy and procedures of standards regimes. They provide objectivity and insight into support the committee to ensure fairness and integrity in the ethical standards regime. They are only involved in setting policy and procedure and play no part in the assessment process.</p>
9	Should the standards committee be chaired by an Independent Person?	YES	Pre 2012 the Standards Committee had to be chaired by a lay person. Under the current regulations as a committee of Dorset Council only Dorset Councillors are eligible to serve as Chair or vote. Subject to establishing criteria for appointment of an independent chair (appropriate experience and training), an independent chair could provide a greater confidence in the effectiveness of the code and standards in local councils. It would also offer a greater ownership of the code and process by local councils.
10	If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.		This provides an opportunity to put forward observations relating to the preceding questions that have limited, closed responses. Councils can expand on any other issues they wish to raise. Dorset Council would propose mandatory training on appointment to the Audit and Governance/Standards Committee for members and co-opted members.

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			It would also be useful for any mandatory code to clarify possible available complaint outcomes to manage expectations of complainants.
5 c) Publishing investigation outcomes			
11	Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?	YES – the public should have full access to all allegations and investigation outcomes. In the public interest, this should be the responsibility of the authority issuing the decision notices rather than the local council to which it refers.	As the local authority responsible for the standards regime, Dorset Council already publishes Decision Notices on its website. It also publishes a quarterly summary of complaints and decision-making process, and an analysis of complaints in an annual report. It withholds complainant details where it has agreed to confidentiality in accordance with our adopted procedures and are mindful of its obligations under GDPR. It only accepts anonymous complaints by exception.  Local councils already publish decision notices within the minutes their meetings and may publish decision notices on their website, but there is no obligation to do so.
5 d) Requiring the completion of an investigation if a member stands down			
12	Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?	YES – it is important that there is at least an assessment about whether the actions of a former councillor would have been in breach of the code. This is essential where the matter relates to a staff grievance.	An elected member should not be able to resign rather than face accountability through the complaints process. Therefore, Dorset Council believes that there is a need for an assessment process which at least speaks to whether the actions would have been a breach of the code. There should also be some mechanism to reinstate an investigation if the member stands for re-election/co-option within a specified period of time.
5 e) Empowering individuals affected by councillor misconduct to come forward			
13	If responding as a local authority, what is the average number of complaints against elected members that you receive over a 12-month period? Number of complaints	Average over 12 months 55 complaints (based on figures for the last 5 years)	
13a.	For the above, where possible, please provide a breakdown for complaints made	last full 12 months (1 Feb 24 to 1 Feb 25)	

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	<p>by officers, other elected members, the public, or any other source:  Complaints made by officers  Complaints made by other elected members  Complaints made by the public  Complaints made by any other source</p>	<p>Complaints made by officers: 1  Complaints made by other elected members: 13  Complaints made by the public: 41  Complaints made by any other source: 3</p>	
14 - 16	<p>Questions relating to individual experiences of making complaints under the code of conduct</p>		<p>These questions are not relevant to the corporate response see Q17</p>
17	<p>In your view, what measures would help to ensure that people who are victims of, or witness, serious councillor misconduct feel comfortable coming forward and raising a complaint?</p>	<p>Note: the question provides a free text box for comment. The narrative might include comments about</p> <ul style="list-style-type: none"> <li>• Confidentiality especially for staff</li> <li>• Options for reporting criminal behaviour to the police</li> <li>• Clarity to manage expectations of what a standards regime can deliver</li> <li>• The need for a clear assessment framework for assessing grievance complaints against members.</li> <li>• Clear support for all parties within a complaint process including the subject member</li> </ul>	<p>Individuals are put off submitting an allegation for a number of reasons including:</p> <ul style="list-style-type: none"> <li>• The lack of any meaningful sanction and the submission of a complaint being seen as a waste of time and effort.</li> <li>• Repeat tit for tat complaints often to demonstrate peer pressure or to push a particular view.</li> <li>• A fear that any complaint relating to member behaviour as part of a grievance will further destroy working relationship especially without any significant sanction. They may also prevent witnesses from coming forward.</li> <li>• Confidentiality v anonymity in the process. The subject member is entitled to know who has made the complaint and this information must be made available. Complainants often feel unable to proceed if they fear being drawn in to the pattern of bullying and intimidation.</li> </ul> <p>Dorset Council's procedures allow for confidentiality in limited circumstances including a reasonable belief of a risk of harm, consequences to their employment, medical justification, it being clear from the specifics of the complaint who has made the complaint, and the public interest.</p>

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			There are some occasions where the ethical framework may not be the best place to raise a complaint. Criminal conduct and civil matters may be better handled outside of the standards regime.
<b>6. Introducing the power of suspension with related safeguards</b>			
18	Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?	<p>YES - the decision to suspend for serious code of conduct breaches should be for the standards committee.</p> <p>Note: there is also a free text box for this question</p>	<p>The proposed introduction of the power of suspension is to be welcomed and will give local authorities the ability to deal with the most serious and disruptive behaviours. There needs to be clarity as to what the trigger(s) for suspension would be so that there is fairness and consistency and creates a body of caselaw to inform the application of the new sanctions.</p> <p>The power of suspension should be introduced for the most serious breaches of the code, and that power but should be applied by the committee responsible for discharging the ethical standards functions rather than delegated to an officer.</p>
19	Do you think that it is appropriate for a standards committee to have the power to suspend members, or should this be the role of an independent body?	<p>YES – the standards committee should have the power to suspend local councillors for the most serious breaches of the code of conduct for example, misuse of position, misuse of council resources and intimidation.</p> <p>Note: There is a free text box for further comment.</p>	<p>Under previous regimes this power was exercised by an independent external body, but it proved to be a slow and unduly expensive process. Whatever structure is in place the process should be transparent, responsive and cost effective; complaints will relate to the most serious and harmful conduct, and it is important that the process is responsive to the needs of all parties.</p> <p>Dorset Council suggests referral after investigation for decision by the Dorset Council Committee (Audit and Governance or Standards) with any appeal being heard by an independent panel set up by the Standards Committee for the purpose.</p>
20	Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?	<p>YES – councils should be required to ensure that the residents and local councils within a division have an alternative point of contact during a councillor's suspension.</p>	<p>In warded local councils and Dorset Council there are normally other members to cover the role of the absent councillor. However, it is essential that where councillor has been suspended from an unwarded local council, or a single councillor Dorset Council ward the local authority is able to nominate an alternative point of contact for residents and to respond to local council matters.</p>
<b>6 a) The Length of Suspension</b>			

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21	If the government reintroduced the power of suspension, do you think there should be a maximum length of suspension?	YES – the government should set a maximum length of suspension of up to 6 months to allow for where a lesser period might be appropriate.	The proposal is that the maximum period of suspension should be 6 months and reserved for only the most serious breaches of the code; this seems reasonable and proportionate. It would be helpful for there to be guidance, either statutory or developed locally, as to what will constitute the most serious breaches. There is also merit in developing guidance on when suspension for a lesser period might be appropriate i.e. less than six months
22	If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?	Infrequently and for the most serious breaches of the code especially relating to member behaviour	The frequency of needing to impose such a serious sanction is expected to be low, and perhaps the introduction of the possibility might act to encourage members to moderate their behaviour.
<b>6 b) Withholding allowances and premises and facilities bans</b>			
23	Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?	YES – councils should have the option to withhold allowances from suspended councillors	Most local council do not pay member allowances and therefore this question focuses on payments to principal authority councillors.  The consultation recognises that suspension should not by default result in the withholding of allowances or bans from entering council premises or using council facilities. It proposes that withholding allowances and bans from entering council premises or using council facilities may stand independently as separate sanctions.
24	Do you think it should be put beyond doubt that local authorities have the power to ban suspended councillors from council premises and to withdraw the use of council facilities in cases where they deem it appropriate? <sup>[O&amp;B]</sup>	YES – premises and facilities bans are an important additional tool in tackling serious conduct issues and for the welfare of staff.	For the revised approach to work there must be meaningful sanctions other than suspension, particularly for breaches that justify sanction short of suspension, but with the power of suspension available if needed.
25	Do you agree that the power to withhold members' allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?	YES	It seems sensible to legislate to allow the withholding allowances, premises bans and facilities bans as discrete sanctions, with the ability to apply them in combination where appropriate. As most local councillors do not receive allowances sanctions could be extended to include the restricting the use of council resources including IT equipment, council email addresses, social media and access to individual officers i.e. Mayor's Secretary



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6 c) Interim Suspension			
26	Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?	<p>YES - powers to suspend on an interim basis are necessary for the most serious behaviours especially where employees may be at risk from a continued ability to harass and intimidate in the workplace.</p> <p>Note: there is the option to also provide further comments.</p>	<p>The concept of interim suspension – the removal from office during an investigation creates a tension. In the UK, a person is innocent until proven guilty and there are rights enshrined in human rights legislation. But an employer has a duty of care to its employees to protect them from harm and the standards regime needs to be able to respond to this duty if it provides a safe work environment.</p> <p>An interim suspension would require a preliminary assessment including consideration of previous complaints and decisions in order to justify action. In employment law there are criteria to be met before any suspension from the workplace and the same should be applied to elected members. It should be noted however, that case law does not permit an employer to address a grievance relating to member behaviour without reference to the Standards Regime. In the most serious cases or where the matter is referred for ‘other action’ it must be clear which authority would be entitled to recommend/apply any interim suspension.</p>
27	Do you agree that local authorities should have the power to impose premises and facilities bans on councillors who are suspended on an interim basis?	<p>YES – the option to apply premises and facilities bans should be available whilst serious misconduct is investigated.</p>	<p>Where criminal conduct is perceived, the standards investigation is suspended whilst police undertake their investigation. This can be slow and may take more than six months. It is important that the Council has other tools it can use to manage the most serious of complaints including the removal of access to facilities, buildings and council resources.</p>
28	Do you think councils should be able to impose an interim suspension for any period of time they deem fit?	<p>NO – the period of interim suspension should be no more than 3 months at a time and subject to regular review, but with guidance on the number of consecutive terms.</p> <p><b>Note:</b> there is an option to provide further comment which may want to address the maximum number of consecutive terms and make</p>	<p>If the power of interim suspension is introduced, the safeguards must match the potential impacts. The sanction should not be used punitively against a member without review on a regular basis against a number of set criteria. A maximum of 3 months suspension at a time seems proportionate, but there is also an argument that reviews should be more frequent, perhaps monthly, and there should be wellbeing checks on the subject member to inform the reviews, and any support needed.</p>

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		links to time beyond the end of other investigations.	
29	Do you agree that an interim suspension should initially be for up to a maximum of 3 months and then subject to review?	YES  Note: there is the option to provide further comment.	There should be clear guidance on the number of consecutive terms of suspension which could be applied i.e. during an extended police investigation, civil action against the member for a significant breach of equalities legislation, violence or fraud. Consideration should also be given to whether the maximum number of interim suspensions should be fixed or the same as suspension for a proven breach. Where the standards regime is not in control of the pace of other investigations, it should have the ability to apply additional terms of interim suspension if appropriate.
30	If following a 3-month review of an interim suspension a standards committee decide to extend, do you think there should be safeguards to ensure a period of interim extension is not allowed to run unchecked?	YES	As above
30a	If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?	Note: this is an option to provide further comment	As above
6 d) Disqualification for multiple breaches of gross misconduct			
31	Do you think councillors should be disqualified if subject to suspension more than once?	Options: YES – but for a different length of time and/or within a different time limit (3 years)  <b>Note:</b> there is the option to also provide further comments.	Disqualification is a serious sanction, but in some cases might be appropriate. As with the first suspension, the second suspension which triggers disqualification would need to be considered carefully and have regard to, amongst other things, human rights. Criteria based only on the frequency and number of suspensions in a given period does not take into account the seriousness of the breaches. It also fails to address the impact this behaviour has on the effectiveness and morale of the council and its staff.  Dorset Council believes that there is a difference between two six-month suspensions for gross misconduct/serious misbehaviour and a number of short terms of suspension cumulative over a set period. It is the impact of the behaviour, the damage caused and the lack of change or acceptance which should warrant a disqualification after

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			<p>repeat offences. Dorset Council believes that the standards regime should be able to apply the sanction on a case-by-case basis against a number of identified thresholds for more than one suspension within a 3-year period. A three-year period contains the behaviours within an electoral cycle giving the council a chance to move forward and work proactively for its community.</p> <p>The democratic deficit created by disqualification should be remedied relatively quickly through an election or co-option unless it occurred within six months of an election.</p>
32	<p>Is there a case for immediate disqualification for gross misconduct, for example in instances of theft or physical violence impacting the safety of other members and/or officers, provided there has been an investigation of the incident and the member has had a chance to respond before a decision is made?</p>	<p>Yes</p> <p>Note: there is the option to also provide further comments.</p>	<p>The safe route is to legislate for the use of interim suspension during investigation, giving the subject member an opportunity to respond to accusations before applying sanctions including suspension. However, Dorset Council believes that it is appropriate to consider a move to immediate disqualification for where a subject member has been found guilty of criminal offences, physical violence and fraud. As the current legislation is limited to a custodial sentence of 3 months or sexual/domestic violence, the regime needs to be able to address other criminal behaviour.</p>
<b>6 e) Appeals</b>			
33	<p>Should members have the right to appeal a decision to suspend them?</p>	<p>Yes - it is right that any member issued with a sanction of suspension can appeal the decision</p>	<p>It is right and proper that there is a right of appeal for a member who is suspended, and even more so if they are facing a second suspension that triggers disqualification. An appeal against suspension should be to a body that is independent of the local authority that has made the decision to suspend. If the appeal is against a second suspension in a 5-year period, it would be reasonable and proportionate for disqualification to not take effect unless and until their appeal is dismissed.</p>
34	<p>Should suspended members have to make their appeal within a set timeframe?</p>	<p>Yes – notice of intent to appeal should be within 5 days of the decision is appropriate to ensure an efficient process</p>	<p>The suggested 5 days in which to appeal seems disproportionately short for submitting detailed arguments against suspension. It is perhaps appropriate for notice of appeal to be lodged within 5 days of the decision to suspend, with a longer period to then submit detailed arguments.</p>
35	<p>Do you consider that a complainant should</p>	<p>NO</p>	<p>Locally where the filter process identifies a lack of sufficient</p>

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	have a right of appeal when a decision is taken not to investigate their complaint?	<p>Note: there is the option to also provide further comments at Q37 but predicated on a yes response to this or the next question</p>	<p>information, the complainant may be offered an opportunity to provide additional supporting information within a set timeframe.</p> <p>There is no opportunity for a complainant to appeal, but they are able to make further complaints in the future which will be considered on their merits.</p> <p>An additional layer of appeals from complainants would provide a heavy administrative burden on the process and does not seem necessary if the assessment process and criteria are clear and in the public domain.</p> <p>As now, complaints about process could be made to the Local Government and Social Care Ombudsman so complainants are not without recourse.</p>
36	Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?	<p>NO</p> <p>Note: there is an option to provide further comments at Q37 but predicated on a yes response to this or the next question</p>	<p>Dorset Council acts as the external independent body for local councils and the standards regime. Consideration of complaints are therefore undertaken independently by an outside body and any appeal would need to provide evidence as to why it was appropriate and in the public interest. It should not be used as a means of disagreeing with the outcome.</p> <p>For complaints about Dorset Councillors consideration is by in-house committee or staff with delegated authority, but as above complainants will have had opportunity to submit information, will have taken part in an investigation, have opportunity to submit further complaints and additional layer of appeals would place a heavy administrative burden on the process. This could also be disproportionate, if the subject members only right of appeal relates to suspension decisions.</p>
37	If you answered yes to either of the previous two questions, please use the free text box below to share views on what you think is the most suitable route of appeal for either or both situations.	<p>Note: this is an open text box to provide further comment to Q35-37</p>	<p>This is the opportunity to add true value to the responses to this group of questions if you have answered yes to questions in this section. You may wish to consider:</p> <ul style="list-style-type: none"> <li>• What is proportionate.</li> <li>• Needing to demonstrate why an appeal is appropriate by reference to the evidence, and not simply disagreeing with the outcome.</li> <li>• The public interest</li> </ul>

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6 f) Potential for a national appeals body			
38	Do you think that there is a need for an external national body to hear appeals?	<p>YES</p> <p>There should be an external appeals body for principal authorities limited to sanctions of suspension and disqualification. An external appeals body would help uphold impartiality for the most serious decisions.</p>	<p>It is also a reasonable proposition in the context of transparency and fairness being seen to be done, especially where appeals relate to the behaviour of principal council members. It would also create the benefit of the final arbiter being an independent body and remove any appeal from the member's own authority. However, the principal council is already an independent authority for appeals for complaints against local councillors.</p> <p>Currently local councils do not fall within the remit of the Local Government and Social Care Ombudsman which would need significant additional resource and staff who understood the local council sector to make it work.</p> <p>It would need to be clear who was able to make an appeal (complainant and/or subject member) and the thresholds/evidence that would be required to meet the public interest.</p> <p>The standards regime is a statutory function of the principal council, and it should be able to set up an appeals panel drawn from independent members and laypeople. There is a cost to managing an external appeals process; appellants would need to evidence why an appeal was in the public interest, not just use it as a way of disagreeing with the decision.</p>
39	<p>If you think there is a need for an external national appeals body, do you think it should be:</p> <ul style="list-style-type: none"> <li>• Be limited to hearing elected member appeals</li> <li>• Be limited to hearing claimant appeals</li> <li>• Both of the above should be in scope</li> </ul>	<p>Options:</p> <ul style="list-style-type: none"> <li>• Be limited to hearing elected member appeals</li> <li>• Please explain your answer [free text box]</li> </ul>	<p>Dorset Council's Standards Committee will consider the following options as a starting point for discussion:</p> <p>(a) independent body determines appeals by the subject member against suspension and disqualification of a principal councillor,</p> <p>(b) all other appeals including appeals against local councillors are dealt with locally.</p>
7. Public Sector Equality Duty			
40	In your view, would the proposed reforms to the local government standards and conduct framework particularly benefit or disadvantage individuals with protected	<p>Options:</p> <ul style="list-style-type: none"> <li>• it would benefit individuals with protected characteristics</li> </ul>	<p>Question 40 asks whether it is thought that the proposed reforms to the local government standards and conduct framework would particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring</p>

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	characteristics, for example those with disabilities or caring responsibilities?	<ul style="list-style-type: none"> <li>• it would disadvantage individuals with protected characteristics</li> <li>• neither</li> </ul> <p>Note: there is the option to also provide further comments.</p>	<p>responsibilities. The consultation confirms that <i>“We will produce a full Public Sector Equality Duty (PSED) assessment, and all necessary impact assessments, as the policy proposals develop further following this consultation.”</i></p> <p>Provided local authorities are complying with the PSED and making reasonable adjustments to enable service users to access the ethical standards complaints process, such as by providing information in different formats or assisting with recording complaints, it is difficult to see how the proposed changes will benefit or disbenefit those with protected characteristics. Similarly, members who are subjected to allegations that they have breached the code and who have protected characteristics should have reasonable adjustments made to ensure they are able to respond to complaints.</p>

### Q13

#### e) Empowering individuals affected by councillor misconduct to come forward

The Government appreciates that it can often be difficult for those who experience misconduct on the part of elected members, such as bullying and harassment, to feel that it is safe and worthwhile to come forward and raise their concerns. If individuals believe there is a likelihood that their complaint will not be addressed or handled appropriately, the risk is that victims will not feel empowered to come forward, meaning misconduct continues without action. We recognise that standing up to instances of misconduct takes an emotional toll, particularly in unacceptable situations where the complaints processes are protracted and do not result in meaningful action. We are committed to ensuring that those affected by misconduct are supported in the right way and feel empowered to come forward. This section seeks feedback from local authorities with experience of overseeing council complaints procedures, or sector bodies and individuals with views on how this might be carried out most effectively. We are also keen to hear from those who work, or have worked, in local government, and who have either witnessed, or been the victim of, member misconduct.